

Brett Foster (#6089)
Mark Miller (#9563)
Tamara L. Kapaloski (#13471)
DORSEY & WHITNEY LLP
111 S. Main Street, Suite 2100
Salt Lake City, UT 84111
Telephone: (801) 933-7360
Facsimile: (801) 933-7373
foster.brett@dorsey.com
miller.mark@dorsey.com
kapaloski.tammy@dorsey.com

Attorneys for Plaintiff BLENDTEC, INC.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

BLENDTEC, INC., a Utah corporation,

Plaintiff,

vs.

BLENDJET INC., a Delaware corporation,
MAVORCO HOLDINGS, LLC, a Delaware
limited liability company, MAVORCO IP,
LLC, a Delaware limited liability company,
and MAVORCO OPERATIONS, LLC,
DELAWARE limited liability company,

Defendant.

**MOTION FOR ENTRY OF DEFAULT
AGAINST DEFENDANT BLENDJET
INC.**

Civil No. 2:25-cv-00096-RJS-DBP

Judge Robert J. Shelby

Magistrate Judge Dustin B. Pead

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure and Local Rule DUCiv 55-1(a), Plaintiff Blendtec, Inc. (“Plaintiff” or “Blendtec”) hereby respectfully requests the Clerk enter default against Defendant Blendjet Inc. (“Defendant” or “Blendjet”) for failure to timely file a response to the Complaint. Pursuant to DUCivR 55-1(b)(1)(B), the affidavit of Tamara L.

Kapaloski is filed herewith as **Exhibit A**. And pursuant to DUCivR 55-1(b)(1)(C), Blendtec will email the proposed certificate of default in an editable format to utdecf_clerk@utd.uscourts.gov.

As grounds for this request, Blendtec states that it filed its Complaint for Trademark Infringement and Successor Liability on February 11, 2025. *See* ECF No. 1. The Summons and Complaint were served on Blendjet on February 17, 2025. *See* ECF No. 13. Blendjet was served via personal delivery to Jack Downey, the Registered Agent of Blendjet, as described in the Proof of Service filed with the Court on or about February 20, 2025. *Id.*

The deadline for Blendjet to answer or otherwise respond to the Complaint was March 4, 2025. Blendjet did not answer or otherwise respond within this time frame. On March 7, 2025, Counsel for Blendtec received an email from Larry Meyer, the CFO of Blendjet, asking for a 30-day extension to respond to the Complaint. *See Exhibit B*. Blendtec agreed that Blendjet's request to extend its time to answer the complaint could be included in the Mavorco entity Defendants' Stipulated Motion to Extend Time. On March 10, 2025, the Mavorco entity Defendants filed a Stipulated Motion to Extend Time to Respond to Complaint, noting that no counsel had appeared for Blendjet. *See* ECF No. 21. The Court granted the Motion and ordered that "the time within which all Defendants named in this action must answer, move, or otherwise respond to the Complaint is extended through and including April 9, 2025." ECF No. 24. This deadline has now passed and Blendjet has not retained counsel or filed a response to the Complaint. As a corporation, Blendjet is neither a minor nor an incompetent person. *See Exhibit A.*

A copy of this motion and accompanying proposed order for entry of default are being sent via email and mail to the last known mailing address of the registered agent for Blendjet.

For these reasons, Blendtec respectfully requests the entry of a default certificate under Federal Rule 55(a) against Blendjet for failure to plead or otherwise defend against Blendtec's claims.

DATED this 23rd day of April, 2025.

Dorsey & Whitney LLP

/s/ Tamara L. Kapaloski
Brett Foster
Mark Miller
Tamara L. Kapaloski
Attorneys for Plaintiff BLENDTEC, INC.

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of April, 2025, I electronically filed the foregoing with the Clerk of Court using the Court's CM/ECF system, which will send electronic notification to counsel of record.

/s/ Tamara L. Kapaloski